IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Crl.Rev.Pet.No. 3244 of 2007()

---

ST.2270/2006 of JFCM-IV, NEDUMANGADU

.....

REVN. PETITIONER: PETITIONER/COMPLAINANT

---

ASOKAN, S/O.VASUDEVAN, UTHRADAM,
MOOZHI, VETTAMPALLY ANADU VILLAGE,
NEDUMANGADU TALUK.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS: ACCUSED AND STATE

---

1. VIJAYA MOHANAN, PRINCIPAL,
A.M.S.ACADEMY, NEAR C.I. OFFICE,
NEDUMANGADU, THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

**Crl. R.P. No. 3244 OF 2007**

**Dated this the 6th day of September, 2007**

**O R D E R**

The revision petitioner is the complainant in S.T. Case No.2270/06 on the file of the JFCM-IV, Nedumangad for an offence punishable under section 138 of the Negotiable Instruments Act, 1881. The cheque involved is for a sum of Rs.50,000/- (Rupees fifty thousand only). The case was originally filed before the JFCM-II, Nedumangad and was subsequently made over to the JFCM-IV, Nedumangad as per orders passed by the Chief Judicial Magistrate, Thiruvananthapuram.

2. Since the dismissal of the complaint was prior to the accused entering appearance, notice to the 1st respondent accused is dispensed with.

3. Eventhough there are latches on the part of the revision petitioner in not remitting the process fee for issuing N.B.W. against the accused, having regard to the fact that the cheque is for a sum of Rs.50,000/- (Rupees fifty thousand

only) and that there was no willful negligence on the part of the revision petitioner in not remitting the process fee, the court below should have been indulgent enough to adjourn the case preferably by putting the revision petitioner/ complainant on terms. That has not been done. The order dated 16.7.2007 dismissing the complaint is accordingly set aside and S.T. Case No.2270/06 shall stand restored to file. The revision petitioner shall appear before the court below without any further notice on 28.9.07. The Magistrate shall proceed with the complaint in accordance with law.

This revision is disposed of as above.

**(V. RAMKUMAR, JUDGE)**

aks